

RECORD OF THE COUNCIL OF THE CITY OF SAINT CHARLES, MISSOURI
October 27, 2009

The City Council convened in Regular Session on Tuesday, October 27, 2009, at 7:00 P.M. in the Council Chambers on the fourth floor of City Hall, 200 North Second Street, with President of the Council Larry Muench presiding, and Members of the Council present as follows: Dave Beckering, Michael Klinghammer, Bob Kneemiller, Ron Stivison, Richard Veit, and Michael Weller. Absent: Erv Ermeling, Laurie Feldman, and Jerry Reese. The City Clerk, Marilyn K. McCoy, was present and performed the duties of that office.
File #47000

The meeting was opened with the Invocation, those present standing in a moment of silence, followed by the Pledge of Allegiance to the Flag.

A motion was made by BOB KNEEMILLER to excuse the absences of Councilmembers Erv Ermeling, Laurie Feldman and Jerry Reese. RICHARD VEIT seconded the motion. All voted in favor, motion passed.

PUBLIC COMMENT RELATIVE TO AGENDA ITEMS

Resolution Selecting a Preferred Developer for the Proposed Riverwalk Development
Keith Hazelwood, 200 North Third Street, spoke on behalf of Riverwalk Development, in favor of the Resolution.

Mike Sellenschuetter, 13 Vicksburg Station, spoke in favor of the Resolution.

Blaine S. Henkel, 2604 Ruth Ave., spoke in favor of the development of the riverfront; and spoke in opposition to selecting Mike Sellenschuetter as the preferred developer.

PUBLIC COMMENT RELATIVE TO CITY ISSUES

Bill T. Davis, 1946 Sibley, spoke relative to city issues.

RESOLUTIONS/AWARDS/PROCLAMATIONS

A Resolution Designating a Recovery Zone Pursuant to the American Recovery and Reinvestment Tax Act of 2009 for the Purpose of Issuing Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds (*Sponsor. Michael Klinghammer*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Weller, and Beckering
 "Nay": Veit

Absent: Ermeling, Feldman, and Reese

Approved by the Honorable Mayor on November 3, 2009, and is known as **Resolution R09-25**

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A Resolution Selecting Riverwalk Development LLC as the Preferred Developer to Undertake Redevelopment of Approximately 30 Underutilized Parcels Located Directly on or Near the Missouri River in an Area Generally Described as Bonded by South Main Street on the West, South River Road on the South, the Blanchette Memorial Bridge on the North and the Missouri River on the East. (*Sponsor Laurie Feldman*)

A motion was made by DAVE BECKERING to refer the Resolution to the Regular Council Meeting scheduled for November 3, 2009. MICHAEL KLINGHAMMER seconded the motion. All voted in favor, motion passed.

BILLS FOR FINAL PASSAGE

Bill 10033

An Ordinance Amending Chapter 131 of the Code of Ordinances of the City of St. Charles, Missouri by Repealing Section 131.10 in its Entirety and Enacting Five (5) New Sections Related to "Residency, Loitering and Activity Limitations For Certain Offenders" (*Sponsor: Larry Muench*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Weller, and Beckering

"Nay": None

Absent: Feldman, Reese, and Ermeling

Approved by the Honorable Mayor on November 3, 2009, and is known as **Ordinance 09-190**

Bill 10034

An Ordinance Authorizing a Membership Agreement Between the Eastern Missouri Law Enforcement Training Academy and the City of St. Charles to Provide Classes and Training in Accordance with Standards Established by the Missouri Peace Officers Standards and Training Commission (*Sponsor: Larry Muench*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Weller, and Beckering

"Nay": None

Absent: Feldman, Reese, and Ermeling

Approved by the Honorable Mayor on November 3, 2009, and is known as **Ordinance 09-192**

Bill 10035

An Ordinance Amending Section 156.040 of the Code of Ordinances Pertaining to Frenchtown Historic Commercial District (FHCD) (*Sponsor: Richard Veit*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Weller, and Beckering

"Nay": None

Absent: Feldman, Reese, and Ermeling

Approved by the Honorable Mayor on October 29, 2009, and is known as **Ordinance 09-189**

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Bill 10036 (Held)

An Ordinance Rezoning to Zoning District C-3 (Highway Business District) from Zoning District R-1E (Single-Family Residential District) a 0.65 Acre Parcel of Land, a Missouri Department of Transportation (MODOT) Remnant from the Boone's Lick Road Realignment Now a Part of 2300 First Capitol Drive *(Sponsor: Larry Muench)*
Council Bill 10036 was held by Sponsor Larry Muench.

Bill 10037

An Ordinance Rezoning to City Zoning District C-2 (General Business District) from County Zoning District A (Agricultural District), a 7.83 Acre Portion of the KATY Trail Land Located Between Interstate 70 South to the St. Charles Family Arena *(Sponsor: Laurie Feldman)*

Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Weller, and Beckering

"Nay": None

Absent: Feldman, Reese, and Ermeling

Approved by the Honorable Mayor on November 3, 2009, and is known as **Ordinance 09-192**

Bill 10038

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Six-H, a Subdivision of the City of Saint Charles, Missouri *(Sponsor: Michael Klinghammer)*

Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Weller, and Beckering

"Nay": None

Absent: Feldman, Reese, and Ermeling

Approved by the Honorable Mayor on November 3, 2009, and is known as **Ordinance 09-193**

Bill 10039

An Ordinance Approving the Record Plat for The New Town at St. Charles Plat Three-C, a Subdivision of the City of Saint Charles, Missouri *(Sponsor: Michael Klinghammer)*

Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Weller, and Beckering

"Nay": None

Absent: Feldman, Reese, and Ermeling

Approved by the Honorable Mayor on November 3, 2009, and is known as **Ordinance 09-194**

Bill 10040

An Ordinance Amending Chapter 97 of the Code of Ordinances Pertaining to Noise Control by Enacting a New Section to be known as Section 97.12 to Incorporate the Urban Code for New Town at St. Charles Section 1.3.9.b, General Ambient Standards into the Code of Ordinances *(Sponsor: Michael Klinghammer)*

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Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Weller, and Beckering

"Nay": None

Absent: Feldman, Reese, and Ermeling

Approved by the Honorable Mayor on November 3, 2009, and is known as **Ordinance 09-195**

Bill 10041

An Ordinance Vacating a Portion of an Easement Comprising Approximately 58.96 Square Feet Located Within Lot 2 of "Lots 1 and 2 of Boulder Springs" (*Sponsor Laurie Feldman*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Weller, and Beckering

"Nay": None

Absent: Feldman, Reese, and Ermeling

Approved by the Honorable Mayor on November 3, 2009, and is known as **Ordinance 09-196**

Bill 10042

An Ordinance Authorizing Acceptance of Development Improvements of Water, Storm Sewer, Sanitary Sewer and Their Appurtenances at Hineman Woods Estates and Release of Security (*Sponsor: Erv Ermeling*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Weller, and Beckering

"Nay": None

Absent: Feldman, Reese, and Ermeling

Approved by the Honorable Mayor on November 3, 2009, and is known as **Ordinance 09-197**

Bill 10043

An Ordinance Authorizing Acceptance of Development Improvements of Streets, Storm Sewer, Sanitary Sewer, Water and Their Appurtenances at Charlestowne Plat 1 for the Section Completed by Consort Homes and Release of Security (*Sponsor: Erv Ermeling*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Weller, and Beckering

"Nay": None

Absent: Feldman, Reese, and Ermeling

Approved by the Honorable Mayor on November 3, 2009, and is known as **Ordinance 09-198**

Bill 10044

An Ordinance Authorizing a Contract with Wehmeyer Farms for the Emergency Creek Bank Stabilization Project at 1787 and 1803 Buckingham Green Court in an Amount Not to Exceed \$225,413.50 (*Sponsors: Erv Ermeling, Bob Kneemiller, Michael Weller*)

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Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Weller, and Beckering

"Nay": None

Absent: Feldman, Reese, and Ermeling

Approved by the Honorable Mayor on November 3, 2009, and is known as **Ordinance 09-199**

Bill 10045

An Ordinance Authorizing a Contract with Ideal Landscape Group for the Emergency Creek Bank Stabilization Project at 1917 Park and 145 College in an Amount Not to Exceed \$224,795.00 (*Sponsors: Erv Ermeling, Dave Beckering, Ron Stivison*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Weller, and Beckering

"Nay": None

Absent: Feldman, Reese, and Ermeling

Approved by the Honorable Mayor on November 3, 2009, and is known as **Ordinance 09-200**

Bill 10046

An Ordinance Authorizing the Mayor and City Clerk to Execute Agreements with Social Service Agencies for Administering Programs Benefiting St. Charles Citizens Utilizing Community Development Block Grant Funds for the Program Year January 1, 2009 – December 31, 2009 (*Sponsor: Jerry Reese*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Weller, and Beckering

"Nay": None

Absent: Feldman, Reese, and Ermeling

Approved by the Honorable Mayor on November 3, 2009, and is known as **Ordinance 09-201**

Bill 10047 (Held)

An Ordinance Authorizing a Development NID Interim Finance Agreement with St. Charles - Noah Development LLC; Authorizing and Directing the Execution and Delivery Thereof; and Providing Further Authority in Connection Therewith (*Sponsors: Bob Kneemiller and Laurie Feldman*)

Council Bill 10047 was held by Sponsors Bob Kneemiller and Laurie Feldman.

Bill 10049

An Ordinance Authorizing a Contract with Wright Construction Services, Inc. for the Construction of the Mississippi River Wastewater Treatment Plant – Maintenance Building Upgrade in an Amount Not to Exceed \$356,000.00 (*Sponsor: Erv Ermeling*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Weller, and Beckering

"Nay": None

Absent: Feldman, Reese, and Ermeling

Approved by the Honorable Mayor on November 3, 2009, and is known as **Ordinance 09-202**

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Bill 10050

An Ordinance Designating Enterprise Bank & Trust a Depository of the City of St. Charles, Missouri; Authorizing the Establishment of a Joint Checking Account Titled "The City of St. Charles, Missouri and St. Charles County Convention and Sports Facilities Authority" at Enterprise Bank & Trust; and Designating Persons Authorized to Sign Checks on Behalf of the City (*Sponsor: Larry Muench*)

Passed "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Weller, and Beckering

"Nay": None

Absent: Feldman, Reese, and Ermeling

Approved by the Honorable Mayor on November 3, 2009, and is known as **Ordinance 09-203**

BILL FOR INTRODUCTION

The following Council Bill was introduced:

Bill 10051

An Ordinance Authorizing Amendment No. 4 to the Contract with Information Technologies, Inc. (ITI) for the Lease of Police Computer Aided Dispatch (CAD) and Records Management Systems (RMS) for the Police Department in an Amount of \$100,381.00, for a Total Amount Not to Exceed \$537,831.51 (*Sponsor: Larry Muench*)

ITEMS FOR DISCUSSION AND/OR COUNCIL ACTION

Recommendation of the Technology Committee Relative to Selection of the Vendor for Project Enterprise

Chairperson of the Technology Committee Michael Weller provided background relative to the Project Enterprise; and stated that the Technology Committee provided a recommendation at its meeting on October 26, 2009. Councilmember Michael Klinghammer requested that this item be referred to the next Regular Council Meeting to provide the Councilmembers not serving on the Technology Committee time to review the information provided. This item was referred to the Regular Council Meeting scheduled for November 3, 2009.

Rescheduling of November 2009 Meetings due to the National League of Cities Conference

President of the Council Larry Muench requested input from the Council relative to the scheduling of meetings during the month of November. A motion was made by LARRY MUENCH that a Budget Discussion Meeting be scheduled for Tuesday, November 24, 2009. MICHAEL KLINGHAMMER seconded the motion. All voted in favor, motion passed.

CONSENT AGENDA

A motion was made by DAVE BECKERING to receive and approve the Consent Agenda. MICHAEL KLINGHAMMER seconded the motion. A roll call vote was taken, with the

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following results: "Aye": Klinghammer, Kneemiller, Muench, Stivison, Veit, Weller, and Beckering. "Nay": None. Absent: Reese, Ermeling, and Feldman. Motion passed.

- A. Approval of Council Minutes
 - 1. Special City Council Meeting of September 29, 2009

- B. Approval of Council Committee Reports
 - 1. Approval of Council Committee Minutes
 - a. Council Work Session of September 22, 2009

File #47016

 - 2. Approval of Council Committee Motions/Actions/Recommendations

- C. Receipt of Reports from Boards, Commissions or Committees
 - 1. Board of Adjustment Meeting of September 14, 2009

File #47041

 - 2. Arts & Culture Commission Meeting of September 16, 2009
 - a. Motion to Approve the Following:
 - i. Shakespeare in the Park - \$1,500.00

File #47059

 - 3. Planning and Zoning Commission Meeting of August 24, 2009

File #47058

 - 4. Landmarks Board Meeting of August 17, 2009

File #47042

 - 5. Landmarks Board Meeting of September 21, 2009

File #47042

 - 6. Board of Public Works Meeting of September 24, 2009
 - a. Motion to Approve the Following:
 - i. Purchase of a new 150,000 gallon storage tank at Elm Point Water Treatment Plant
 - ii. Authorization to Pay MoDNR \$10,710.00 in Mitigation credits at 1917 Park

File #47072

 - 7. Citizen Advisory Frontier Park Pavilion Committee Meeting of September 14, 2009

File #47202

- D. Receipt of Reports of the Director of Administration
 - 1. Request to fill Vacant Position in the Public Works Department

File #47240

 - 2. Notice of Emergency Purchase

File #47004

 - 3. Request to fill Vacant Position in the Police Department

File #47241

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- E. Approval of Contracts and Easements from \$30,001 - \$99,999
None
- F. Preliminary Plats
None
- G. Miscellaneous
1. Receipt of the Proposed Annual Budget for 2010 for the St. Charles Riverfront Community Improvement District

File #47242

2. Approval of Arts and Culture Commission Expenditures

File #47033

3. Investment Report for September 2009

File #47057

REPORT OF THE MAYOR

Transmittal of the Budget for Fiscal Year 2010.

Director of Administration Michael Spurgeon announced that the Budget for Fiscal Year 2010 was transmitted to the Council on October 5, 2009, in accordance with the timeline established by the City Charter.

File #47243

Appointments to Boards and Commissions

A motion was made by DAVE BECKERING to approve the following appointments to Boards and Commissions as presented by the Honorable Mayor Patricia M. York:

Convention and Visitors Commission: Appointment of Joseph Alagna to fill the unexpired term of Terry Jones ending in April, 2011.

Human Relations Commission: Appointment of Leo D. Price, Sr. to fill a vacant term ending in August, 2012.

RON STIVISON seconded the motion. A roll call vote was taken, with the following results: "Aye": Kneemiller, Muench, Stivison, Weller, Beckering, and Klinghammer. "Nay": None. Absent: Reese, Veit, Ermeling, and Feldman. Motion passed.

File #47006

TABLED BILLS/PUBLIC HEARINGS

Bill 10013

An Ordinance Amending Chapter 113 of the Code of Ordinances of the City of St. Charles, Missouri by Amending Sections 113.02, 113.03, 113.15, 113.19, 113.30, 113.35 and 113.40 to Reduce the License Tax for Electricity, Gas and Telephone; Eliminate the

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Refund of License Fees to Elderly Residents; and Provide Effective Dates Thereof.
(Sponsors Dave Beckering and Richard Veit)) (Tabled at the September 1, 2009,
Regular Council Meeting)

There was no action taken on Council Bill 10013

CLOSED SESSION

A roll call vote was taken to adjourn into Closed Session relative to legal actions, causes of action, or litigation (RSMo 610.021.1); leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration therefor (RSMo 610.021.2); and sealed proposals and related documents or any documents related to a negotiated contract (RSMo 610.021.12); with the following results: "Aye": Muench, Stivison, Veit, Weller, Beckering, Klinghammer, and Kneemiller. "Nay": None. Absent: Reese, Ermeling, and Feldman. Motion passed.

The Open Portion of the Regular Council Meeting was adjourned at 8:00 p.m.

November 17, 2009
Date Approved

Marilyn A. May
City Clerk

Larry Muench
Larry Muench, Presiding Officer